



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Washington, DC 20240

DEC 22 2010

The Honorable Dianne Feinstein
United States Senator
One Post Street
Suite 2450
San Francisco, CA 94104

SAN FRANCISCO OFFICE

DEC 29 2010

ACTION _____

Dear Senator Feinstein:

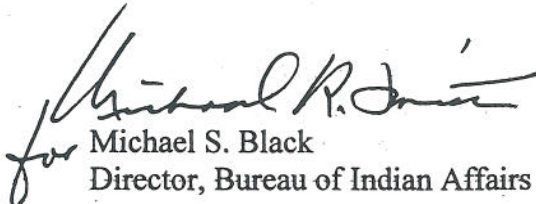
Thank you for your letter of November 5, 2010, on behalf of your constituent, Christina Brown, regarding child support issues she has been having. We apologize for the delay in responding.

It appears that Ms. Brown has been looking for a remedy to her problem regarding non-payment of child support by her children's father. Ms. Brown has clearly identified the dilemma faced by the Judge in her divorce case. The Judge can order a parent to pay child support. However, the Judge cannot order a parent's tribe to withhold payments to members. Child Support Enforcement is a function assumed by the State of California. The State provides assistance to families, such as Ms. Brown's, who seek assistance to enforce child support orders issued by state courts. Their jurisdiction does not extend to enforcing compliance from a parent's tribe. Consequently, both the Judge and the Child Support Enforcement Units are restricted to seeking legal remedies from the individuals subject to court order.

The policy of the Bureau of Indian Affairs (BIA) is to support tribal sovereignty. The BIA does not have the ability to bypass tribal sovereignty in order to remedy an individual court case, such as described by Ms. Brown. Her avenue of resolution via state courts is limited by the powers available to the Judge and to the Child Support Enforcement Unit. The BIA is not in a position to provide her an alternative resolution, outside of what she currently has. Ms. Brown may seek assistance directly from the Viejas Band of Kumeyaay Indians by taking her case to tribal council. Additionally, tribal court may also be an option for her.

Thank you again for your concern expressed regarding your constituent.

Sincerely,


for Michael S. Black
Director, Bureau of Indian Affairs